

Institute for Public Representation

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April 4, 2013

via electronic filing

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: ***Ex Parte* Presentations**
Closed Captioning of Internet Protocol-Delivered Video Programming,
MB Docket No. 11-154
Accessible Emergency Information, and Apparatus Requirements for
Emergency Information and Video Description, MB Docket No. 12-107

Dear Ms. Dortch:

On April 2, 2012, I sent the attached e-mail with excerpts from recent *ex parte* filings by several deaf and hard of hearing consumer groups in the above-referenced dockets to Dave Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Clyburn. I also spoke separately via telephone with Mr. Grimaldi and Karen Peltz Strauss of the Consumer and Governmental Affairs Bureau and reiterated the positions expressed in the e-mail.

Respectfully submitted,

/s/

Blake E. Reid

*Counsel to Telecommunications for the
Deaf and Hard of Hearing, Inc. (TDI)*

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Cc:

Dave Grimaldi

Karen Peltz Strauss

Blake Reid <blake.e.reid@gmail.com>

April 2, 2013 3:23 PM

To: Dave Grimaldi

Emergency information questions

From our recent ex-partes:

The Consumer Groups urged the Commission to recognize that the Twenty-First Century Communications and Video Accessibility Act ("CVAA") requires that the Commission's rules ensure that emergency information be accessible to people who are both blind or visually impaired and deaf or hard of hearing. Indeed, the fact that a person who is blind or visually impaired is also deaf or hard of hearing does not make that person any less blind or visually impaired, nor does the CVAA permit the Commission to ignore the needs of the deaf-blind community in promulgating the emergency information rules. To the extent the Commission believes the record in the emergency information proceeding is insufficient to promulgate specific rules addressing that requirement, we suggested that the Commission should solicit further public comment in a further notice of proposed rulemaking or notice of inquiry .

The Consumer Groups reiterated our agreement with the Commission's determination in the IP Captioning Order that removable media players are apparatuses subject to Section 79.103 of the Commission's rules. The Commission should reject the Petition for Reconsideration of the Consumer Electronics Association ("CEA") of that determination ("CEA PFR"). The Commission should conclude, consistent with the IP Captioning Order, that fixed media players are apparatuses subject to 47 U.S.C. § 303(u)(1), and to reject CEA's argument that Section 303(u)(1) should be interpreted inconsistently in the emergency information proceeding.

Additionally, the Commission should reject CEA's proposal to exclude apparatuses not "intended" by their manufacturers to play back video programming from the scope of Section 303(u)(1).

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